

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MASON WOLLERSHEIM,

Plaintiff

v.

RICHARD GARCIA, et al.,

Defendants

Case No.: 2:24-cv-01004-APG-EJY

**Order (1) Granting Motions to Dismiss, (2)
Denying Motion for Injunction, and (3)
Dismissing Case**

[ECF Nos. 10, 16, 20]

Plaintiff Mason Wollersheim filed this lawsuit alleging federal and state law claims and filed a motion for emergency injunctive relief. Defendants Matthew Mesko, Richard Garcia, and Justin Morse opposed the motion for injunctive relief and moved to dismiss for lack of subject matter jurisdiction, lack of personal jurisdiction, failure to state a claim, and qualified immunity. ECF Nos. 16; 21. The United States of America subsequently certified that Mesko, Garcia, and Morse were acting in the scope of their federal employment in relation to Wollersheim's allegations against them, so any state law tort claims are deemed to be against the United States under the Federal Tort Claims Act. ECF No. 17. The United States then filed a motion to dismiss the state law defamation claim because Wollersheim failed to exhaust administrative remedies and because the United States has not waived its sovereign immunity for defamation claims. ECF No. 20. The United States also joined the individual defendants' response to the injunction motion. ECF No. 22.

Wollersheim thereafter requested additional time to file his reply and to respond to the defendants' motions so that he could locate counsel to assist him. ECF No. 24. I granted that motion and gave Wollersheim until November 22, 2024 to respond.

1 To date, Wollersheim has not responded to the motions, nor has he requested additional
2 time to do so. I therefore grant the motions to dismiss as unopposed under Local Rule 7-2(d).

3 Because I dismiss the amended complaint, I deny the motion for injunctive relief as moot.

4 I THEREFORE ORDER that the defendants' motions to dismiss (**ECF No. 16, 20**) are
5 **GRANTED**. Plaintiff Mason Wollersheim's amended complaint (ECF No. 4) is dismissed
6 without prejudice.

7 I FURTHER ORDER that plaintiff Mason Wollersheim's motion for emergency
8 injunction (**ECF No. 10**) is **DENIED as moot**.

9 I FURTHER ORDER the clerk of court to close this case.

10 DATED this 8th day of January, 2025.

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13 ANDREW P. GORDON
14 CHIEF UNITED STATES DISTRICT JUDGE
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